WRITTEN TESTIMONY OF:

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An addendum to written and oral testimony previously submitted for the Hearing on The Implementation of the Federal Railroad Administration Grade-Crossing Whistle Ban Law on July 18, 2000

On July 18, I joined a number of Members of Congress as well as state and local officials in testifying at a hearing of the House Subcommittee on Ground Transportation. My remarks focused on how the Federal Railroad Administration's (FRA) proposed train horn sounding rule would divert Illinois' Grade Crossing Protection Fund resources away from safety enhancements at rail grade crossings by forcing the state to focus on noise suppression grade crossing projects.

Upon adjournment of that hearing, the Subcommittee stated it would keep the record open for 30 days, allowing for additional or supplemental testimony to be filed. As such, I respectfully request this written testimony be entered into the record.

Illinois would be faced with an unworkable federal mandate that would require, as a practical matter, the state to direct resources to our safest (quiet) crossings while ignoring those more dangerous grade crossings targeted for safety improvements.

Many witnesses focused their testimony on how the FRA proposal would generate an immediate and vehement public outcry to the shattered peace and quiet in many communities across the country. I wholeheartedly agree, and would like to take this opportunity to share an Illinois experience that buttresses this line of thinking.

In early July, the Illinois Commerce Commission (ICC) encountered a situation in Mount Prospect, Illinois, which is indicative of how ill-advised FRA oversight in the whistle sounding arena would be.

From 1988 through 1994, the ICC passed orders which "excused" railroads from sounding their horns at various grade crossings in Illinois. The orders noted "quiet zones" were justified at crossings that had fewer than three crashes in the previous five-year period. The orders also specified the collisions must relate to the lack of horn soundings before they would count against a crossing's total, and included language that allowed crossings with more than two incidents to remain quiet if there was an approved engineering solution.

The Mount Prospect situation concerns the crossing of Illinois Route 83 and the Union Pacific/Metra line. This crossing (also called Main Street) handles more than 26,100 vehicles and 60-70 trains on an average day. In late June of this year, the crossing experienced its third collision in 15 months. Less than a month later, a fourth collision occurred.

The ICC reviewed the situation and determined that motorists were making sharp left turns onto Route 83 from eastbound Prospect Ave., a road that runs adjacent and parallel to the tracks.

In each of these four collisions, the involved motorists bypassed the lowered gate arm in their sharp left turn movements, and tragically entered the grade crossing as the train approached. Two fatalities and two injuries resulted from these four collisions.

On the heels of the fourth collision, the ICC staff notified Union Pacific (UP) that the quiet zone threshold specified in the ICC's 1994 order for this crossing had been exceeded, and that UP should

resume sounding their air horns at the crossing. Several hours later, the whistle blowing began and continued for one week.

In this very short time frame, the ICC fielded complaints (e-mails and phone calls) from more than 50 citizens denouncing this decision. Not one person contacted the ICC supporting the horn blowing. The pervasive attitudes opposing whistle blowing centered on these themes:

- Whistle blowing is a threat to the physical and emotional quality of life (headaches, irritability, physical discomfort, sleep disruption, hearing damage, etc.);
- It penalizes law-abiding citizens, making them suffer or pay for the "stupidity" of others;
- Train horns are an inappropriate response to reckless behavior by individual motorists; and,
- Noise levels are causing property values to plummet.

Shortly after the trains began blowing their horns, officials from Mount Prospect, the Illinois Department of Transportation (IDOT), ICC and UP and Metra met to find a solution. It was decided that prohibiting left turns from Prospect Ave. would solve the problem. Within hours of the decision, the village installed a "No Left Turn" sign and, as a result of this engineering enhancement, the ICC lifted the whistle blowing mandate and UP silenced their horns at the crossing.

In less than one week's time, the ICC had identified an unsafe crossing, resumed horn sounding, found an effective engineering solution and solved the problem. The total cost was $50 for a new sign. In return, we greatly improved the safety at the crossing and kept the community quiet.

This example also serves to show that despite quick, flexible and effective state agency response, the public response was immediate, sharp and extremely critical. One can only imagine the consequences of this happening across the nation.

The ability of state and local authorities to respond to an immediate safety problem serves as a stark contrast to FRA involvement, which would require published notice in the Federal Register and an unknown time frame from which orders would take effect.

Upon the removal of quiet zones, hundreds of communities would be hard-pressed to find a solution. In Mount Prospect's case, this solution would most likely involve four-quadrant gates (median barriers would not have been workable), which could only be installed after the state petitioned FRA for approval. We doubt a solution as simple and direct as a "No Left Turn" sign would be acceptable to the FRA without extensive study and review of police deployment and enforcement. Again, the time frame necessary to implement these solutions is unknown.

Although FRA may insist on four-quadrant gates, it would provide no funding to accompany such a mandate.

Assuming FRA approval for the four-quadrant gate solution, and the project expedited to its fullest, the community could endure up to two years of horn blowing and would have to somehow find a way to cover the more than $100,000 cost of the upgrade. In the meantime, the horns would still blow.

In summary, under the FRA proposed rules, the Mount Prospect situation could have taken two years and $100,000 to resolve. The state solution I outlined earlier took one week and cost $50.

As this example clearly illustrates, there is much to be gained in reserving for the states great discretion in administering the whistle blowing program and in keeping the FRA Rule as flexible and non-intrusive as possible.

The Subcommittee's continuing concern and involvement in addressing this issue is greatly appreciated.